ARTICLE 12 – KANSAS HORSE BREEDING DEVELOPMENT FUND

112-12-1. Definitions. (a) "Kansas-bred horse" means a horse that meets either of these requirements:

(1) is foaled in Kansas and registered with the official registering agency to participate in the Kansas-bred racing or breeding program; or

(2) was domiciled in Kansas before December 31, 1989 and registered with the official registering agency to participate in the Kansas-bred racing or breeding program.

(b) "Kansas-certified horse" means a mare or stallion that is Kansas-bred or Kansas-domiciled and that is certified by the official registering agency to participate in the Kansas-bred breeding program.

(c) "Kansas-domiciled horse" means a horse that is foaled out-of-state and brought into the state of Kansas and that is registered and certified with the official registering agency to participate in the Kansas-bred breeding program.

(d) "Official registering agency" means the organization with which the commission has contracted for the registration of horses and the distribution of the Kansas horse breeding development fund in accordance with K.S.A. 74-8830 (b) and (c).

(e) This regulation shall take effect on and after January 1, 1998. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 74-8830; effective March 1, 1993; amended Jan. 1, 1998.)

112-12-2. Kansas horse breeding development fund, stallion eligibility certificate. (a) Each person who intends to stand a stallion for service in Kansas shall file a written application for certification before the stallion is to stand for service if the stallion's foals are to be registered as Kansas-bred horses.

(b) The official registering agency may issue a certificate of eligibility if either of these conditions is met.

(1) The stallion is registered as a Kansas-bred horse.

(2) The stallion is registered as a Kansas-domiciled horse.

(c) Each application shall be completed on a form approved by the commission that shall include the following information:

(1) the name of the stallion;

(2) the name, address, zip code, and tax identification number or social security number of each owner of the stallion;

(3) the location where the stallion will stand for service during the calendar year for which the application is made; and

(4) a statement that the stallion will stand for service within the state of Kansas and will not stand for service anywhere outside the state of Kansas during the calendar year in which the stallion's offspring are conceived.

(d) Each application for an initial certificate of eligibility shall include the following information:

(1) evidence of the right of ownership, including bills of sale, contracts, or other documents that demonstrate proof of ownership and reflect each agreement about breeding rights, repurchase agreements, and any other concession;

(2) an application for Kansas-bred or Kansas-domiciled registration pursuant to K.A.R. 112-12-6 or K.A.R. 112-12-7; and

(3) the official breed certificate issued by the national breed association pursuant to K.A.R. 112-7-6.

(e) Each stallion certified as required by the provisions of this regulation shall be available for inspection at all times by representatives of the official registering agency.

(f) The owner, agent, or lessee shall notify the official registering agency if a stallion certified as required by the provisions of this regulation leaves the state of Kansas during the year for which the stallion is certified in the Kansas-bred program.

(g) Any foal from a mare bred to a certified stallion before revocation of an eligibility certificate may be registered as a

Kansas-bred horse under the provisions of K.A.R. 112-12-5.

(h) If the majority ownership changes and the new owner desires to certify the stallion for eligibility in the Kansas-bred program, the new owner shall, within 30 days of the date of the sale, submit an application for a stallion eligibility certificate accompanied by a copy of the proof of sale or other document and observe the requirements of these regulations. Certification under this subsection (h) shall be effective from the date of sale after complying with subsection (h).

(i) This regulation shall take effect on and after January 1, 1998. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 1996 Supp. 74-8829 and K.S.A. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 19, 1990; amended March 1, 1993; amended Feb. 13, 1995; amended Jan. 1, 1998.)

112-12-3. (Authorized by K.S.A. 1993 Supp. 74-8804, as amended by L. 1994, Ch. 146, Sec. 3; implementing K.S.A. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 1, 1993; revoked P-Feb. 13, 1995.)

112-12-4. Kansas horse breeding development fund, mare eligibility certificate. (a) Each person who intends to breed, or foal, or both, a mare certified in the Kansas-bred program shall file a written application for certification before foaling.

(b) The official registering agency may issue a certificate of eligibility if these conditions are met:

(1) the mare is determined to be a Kansas-bred mare as required by K.A.R. 112-12-12; and

(2)(A) the mare is registered as a Kansas-bred horse; or

(B) the mare is registered as a Kansas-domiciled horse.

(c) Each application shall be completed on a form approved by the commission and shall include the following information:

(1) the name of the mare; and

(2) the name, address, zip code, and tax identification number or social security number of each owner of the mare.

(d) Each application for an initial breeding certification shall be accompanied by the following applicable documentation:

(1) evidence of the right of ownership, including bills of sale, contracts, or other documents that demonstrate proof of ownership and reflect each agreement about breeding rights, repurchase agreements, and each other concession;

(2) the application for Kansas-bred or Kansas-domiciled registration as provided in K.A.R. 112-12-6 or K.A.R. 112-12-7; and

(3) the official breed registration certificate as defined by K.A.R. 112-7-6.

(e) Each mare certified as required by this regulation shall be available for inspection at all times by representatives of the official registering agency.

(f) If the majority ownership of a mare certified with the official registering agency changes, the official registering agency shall revoke the eligibility certificate.

(g) The new owner shall recertify such mare in order for that mare certification and breed award status to be uninterrupted, and once a mare is certified, the mare shall remain certified until the mare dies or its certification is revoked for ownership changes.

(h) A mare's offspring shall be eligible for registration in the Kansas-bred program if the mare is in the state of Kansas at the time of foaling and all rules and regulations have been met.

(i) This regulation shall take effect on and after January 1, 1998. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 1996 Supp. 74-8829 and K.S.A. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989;

effective Sept. 4, 1989; amended March 19, 1990; amended March 1, 1993; amended Feb. 13, 1995; amended Jan. 1, 1998.)

112-12-5. Classes of Kansas-bred horses. In order to be eligible to be registered as Kansas-bred, a foal shall be foaled in Kansas. This regulation shall take effect on and after January 1, 1998. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 1, 1993; amended Feb. 13, 1995; amended Jan. 1, 1998.)

112-12-6. Kansas horse breeding development fund, registration of Kansas-bred horses. (a) Each owner, agent, or lessee who intends to register a foal as a Kansas-bred foal shall file a verified application for registration with the official registering agency by December 31 of the year of foaling to avoid monetary penalty to be set by the commission.

(b) Each applicant shall completely answer all inquiries on the application form approved by the commission, including the following:

(1) the name of the dam and her Kansas registration status;

(2) the name of the sire and his Kansas registration status;

(3) the date and location where the foal was dropped;

(4) the color, sex, and markings of the foal; and

(5) the name, address, zip code, and tax identification number or social security number of each owner of the foal.

(c) Each official breed registration certificate as defined in K.A.R. 112-7-6 shall be delivered to the official registering agency before the foal will be registered as Kansas-bred.

(d) If the foal meets all of the requirements for registration, the official registering agency shall affix its official seal, including the registration number for the foal, on the face of the official breed registration certificate as defined in K.A.R. 112-7-6 and return the certificate to the owner by certified mail within 30 days of the date of official registration.

(e) Each foal registered as required by this regulation shall be available at any time for inspection by representatives of the official registering agency.

(f) This regulation shall take effect on and after January 1, 1998. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 1, 1993; amended Feb. 13, 1995; amended Jan. 1, 1998.)

112-12-7. Registration of Kansas-domiciled horses. (a) Any owner, agent, or lessee of a horse that does not qualify as Kansas-bred as outlined by these regulations may obtain a Kansas-domiciled registration if the official registering agency determines, under guidelines approved by the Kansas racing commission, that the horse may enhance the quality of Kansas-bred breeding stock.

(b) Each Kansas-domiciled horse shall be domiciled within Kansas before application for registration.

(c) Each owner, agent, or lessee who intends to register a Kansas-domiciled horse shall meet these requirements:

(1) provide verified answers to inquiries on an application approved by the commission; and

(2) except as stated in this regulation, comply with these racing regulations.

(d) This regulation shall take effect on and after January 1, 1998. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended

March 1, 1993; amended Feb. 13, 1995; amended Jan. 1, 1998.)

112-12-8. Kansas-certified stallion awards. (a) Any owner, agent, or lessee of a certified Kansas-bred or certified Kansas-domiciled stallion may be eligible to participate in the Kansas-certified stallion awards if both of these criteria are met.

(1) Any foal of the Kansas-certified stallion is registered as a Kansas-bred horse with the official registering agency.

(2) The foal of the Kansas-certified stallion wins, places, or shows in a race that has been designated for the award.

(b) Each Kansas-certified stallion award shall be paid as follows.

(1) For registered foals conceived before December 31, 1992, the award shall be paid to the stallion's owner, agent, or lessee of record at the time the foal was conceived.

(2) For registered foals conceived after December 31, 1992, the award shall be paid to the stallion's owner, agent, or lessee of record at the time the foal was conceived only if the Kansas-certified stallion was certified as eligible in accordance with K.A.R. 112-12-2 before the foal was conceived.

(3) A change of ownership of a stallion, by itself, shall not preclude the stallion from receiving breed awards.

(c) The official registering agency shall solicit information from the various breed owners to aid it in recommending races, qualifications for races, and amounts and types of awards to the commission.

(d) Races, qualifications for races, and amounts and types of awards shall be designated by the commission.

(e) This regulation shall take effect on and after January 1, 1998. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 1996 Supp. 74-8829 and K.S.A. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 1, 1993; amended Feb. 13, 1995; amended Jan. 1, 1998.)

112-12-9. Kansas-certified mare awards. (a) Any owner, agent, or lessee of a certified Kansas-bred or certified Kansas-domiciled mare may be eligible to participate in the Kansas-certified mare awards if both of these criteria are met.

(1) The foal of the Kansas-certified mare is registered as a Kansas-bred horse with the official registering agency as set forth in K.A.R. 112-12-1(b).

(2) The Kansas-bred foal of the Kansas-certified mare wins, places, or shows in a race in Kansas that has been designated for the award.

(b) Kansas-certified mare awards shall be paid as follows.

(1) Each Kansas-certified thoroughbred mare award shall be paid only to the mare's owner, agent, or lessee of record at the time of foaling if the mare was certified in the breeding program before foaling. Each Kansas-certified quarterhorse mare award shall be paid only to the mare's breeder of record or the first owner putting the mare in the Kansas-bred program if the mare was certified in the breeding program before foaling.

(2) A change of ownership of mare, by itself, shall not preclude the mare from breed awards.

(c) The official registering agency shall solicit information from the various breed owners to aid it in recommending races, qualifications for races, and amounts and types of awards to the commission.

(d) Races, qualifications for races, and amounts and types of awards shall be designated by the commission.

(e) This regulation shall take effect on and after January 1, 1998. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 1996 Supp. 74-8829 and K.S.A. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22,

1989; effective Sept. 4, 1989; amended March 1, 1993; amended Feb. 13, 1995; amended March 6, 1998.)

112-12-10. Kansas-bred or Kansas-foaled races. (a) Each organization licensee shall in good faith offer at least one race limited to Kansas-bred or Kansas-foaled horses per day. Kansas-bred horses shall be preferred entries. Awards and monies shall be paid only to the owners of Kansas-bred horses. If there are five Kansas-bred entries, a race for only Kansas-bred horses shall be run. If there are fewer than five Kansas-bred entries and there are Kansas-foaled entries, a Kansas-bred and Kansas-foaled race shall be run.

(b) The organization licensee shall file with the commission and the official registering agency two official programs, an affidavit verifying that the registry regulations have been followed, and other requested information, including the following:

(1) The value of the purses offered by the organization licensee;

(2) the name and address of each owner who is to share in the total purses and awards and the amount in which each owner is to share; and

(3) any other information that may be required by the commission or registry.

(c) Each program and affidavit shall be filed with the commission and the official registering agency within seven days after the date of the Kansas-bred or Kansas-foaled race conducted by the organization licensee. (Authorized by K.S.A. 2001 Supp. 74-8804; implementing K.S.A. 74-8812 and 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; amended, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 1, 1993; amended Jan. 18, 1994; amended Aug. 25, 1995; amended Jan. 1, 1998; amended Jan. 31, 2003.)

112-12-11. Kansas horse breeding development fund, registration and certificate of eligibility fees. (a) Each owner or agent who registers a horse to participate in the Kansas horse breeding development fund or requests the issuance of an eligibility certificate shall pay a one-time registration and certificate-of-eligibility fee to the official registering agency upon initial application to the official registering agency.

(b) The official registering agency shall submit a schedule of fees for registrations, certificates of eligibility and transfers to the commission office no later than October 1 of each calendar year.

(c) Each fee schedule shall be approved by the commission before it is implemented. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3, and L. 1992, Ch. 286, Sec. 2; implementing K.S.A. 1991 Supp. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 1, 1993.)

112-12-12. Registration of horses dropped before January 1, 1990. (a) Any horse dropped before January 1, 1990 may be registered as a Kansas-bred horse if the horse:

(1) was domiciled in Kansas before January 1, 1990; and

(2) is registered with a national breed association.

(b) Each application shall be completed on a form approved by the commission that shall include the following information:

(1) the name of the horse;

(2) the date the horse was dropped;

(3) the color, sex and marking of the horse; and

(4) the name, address, zip code and tax identification number or social security number of each owner of the horse.

(c) Each application for registration shall be accompanied by the following documentation:

(1) evidence of the rights of ownership, including bills of sale, contracts or other documents that demonstrate proof of ownership and reflect all agreements about breeding rights, repurchase and all other concession; and

(2) the official breed registration certificate issued by the national breed association.

(d) Each horse registered under the requirements of this regulation shall be available at any time for inspection by representatives of the official registering agency. (Authorized by K.S.A. 1993 Supp. 74-8804 as amended by L. 1994, Ch. 146, Sec. 3; implementing K.S.A. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989, effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 25, 1991; amended Feb. 13, 1995.)

112-12-13. Administration of the Kansas horse breeding development fund by the official registering agency. (a) The official registering agency may deny the application for registration of a Kansas-bred or Kansas-domiciled horse or certificate of eligibility of a stallion or a mare if either of these conditions is met.

(1) Information has been omitted, altered, or falsified within the application.

(2) Documentation required by these regulations is not provided or is altered or falsified.

(b) The official registering agency may immediately revoke the eligibility certificate of any stallion if the stallion stands for service outside the state of Kansas during the calendar year when the stallion is certified to stand for service in the state of Kansas.

(c) The official registering agency may deny or revoke the registration of any foal if the owner of the foal's sire or dam fails to comply with any of the provisions of K.A.R. 112-12-2, 112-12-4, or 112-12-5.

(d) This regulation shall take effect on and after January 1, 1998. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 1996 Supp. 74-8829 and K.S.A. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended Feb. 13, 1995; amended Jan. 1, 1998.)

112-12-14. Registration of Arabian, Appaloosa, Paint, and Standardbred horses. (a) Any Arabian, Appaloosa, Paint, or Standardbred horse may be registered into the Kansas-bred program if the horse is registered with the national breed association.

(b) Each person who intends to register a horse under this regulation shall meet these requirements:

(1) file an application for registration with the official registering agency on forms approved by the commission;

(2) file with the official registering agency evidence of ownership, including the following:

(A) bills of sale;

(B) the official breed registration certificate issued by the national breed association; and

(C) contracts or other documents that demonstrate proof of ownership and reflect all agreements concerning breeding rights, repurchase, and any other terms and conditions;

(3) pay the $50.00 fee for registering each horse under this regulation; and

(4) make each horse registered under this regulation available at any reasonable time for inspection by representatives of the official registering agency.

(c) This regulation shall take effect on and after January 1, 1998. (Authorized by K.S.A. 1996 Supp. 74-8804 and implementing K.S.A. 74-8830; effective, T-112-6-16-94, June 16, 1994; effective Sept. 6, 1994; amended Dec. 22, 1995; amended Jan. 1, 1998.)